



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1347

(Patron – Reeves)

LD#: 17100568

Date: 1/9/2017

Topic: Concealed weapons

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
None (\$0)
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
None (\$0)

- **Juvenile Direct Care:**
Cannot be determined*
- **Juvenile Detention Facilities:**
Cannot be determined*

*Provided by the Department of Juvenile Justice

Summary of Proposed Legislation:

The proposal amends several sections of the *Code of Virginia* relating to concealed handgun permits.

Currently, carrying firearms or certain other weapons concealed is prohibited unless carrying a handgun with a valid concealed carry permit. Under the proposal, “concealed handgun permit” would be redefined as a “concealed weapon permit” and the list of exemptions in several statutes would be expanded so other types of weapons could be carried concealed lawfully. Expanded exemptions could lead to a decrease in the number of individuals convicted of carrying a concealed weapon under certain statutes, including § 18.2-308 for carrying a concealed weapon without a permit and § 18.2-308.1 for carrying weapons on school property, among others.

Expanding concealed handgun permits to apply to certain other concealed weapons may also impact convictions under other sections, such as § 18.2-308.02(C), relating to making a false statement on a concealed handgun permit. In addition, pursuant to § 18.2-308.1:4, individuals who are subject to a protective order who fail to surrender their concealed handgun permit are guilty of a Class 1 misdemeanor. The proposal would expand this provision to apply to concealed weapon permits. Pursuant to § 18.2-311.2, a third or subsequent Class 1 misdemeanor weapons violation (defined in Article 4, 5, 6, or 7 of Chapter 7 of Title 18.2) is punishable as a Class 6 felony.

Analysis:

According to Circuit Court Case Management System (CMS) data for fiscal year (FY) 2011 through FY2016, no felony convictions under § 18.2-308.02 were the primary, or most serious, offense at sentencing during that time period. A review of FY2011 to FY2016 Circuit Court Case Management System (CMS) data revealed

that five offenders were convicted of a Class 6 felony under § 18.2-311.2 for a third or subsequent weapon offense during the six-year period. This was the primary, or most serious, offense in three cases. None of the offenders received a term of incarceration to serve after sentencing.

Impact of Proposed Legislation:

State adult correctional facilities. While the proposal could result in additional felony convictions under § 18.2-308.02 for making a false statement on a concealed handgun/weapon permit and § 18.2-311.2 for a third or subsequent misdemeanor weapons offense, during the most recent six-year period, no convicted offenders received a state-responsible (prison) sentence for those offenses. Therefore, the proposal is not expected to have an impact on the prison bed space needs of the Commonwealth during the six-year projection window specified by § 30-19.1:4 for legislative impact statements.

Adult community corrections resources. The net impact on local-responsible (jail) bed space needs cannot be estimated.

Adult community corrections programs. The proposal is not expected to increase the need for adult community corrections resources within the six-year projection window specified by § 30-19.1:4 for legislative impact statements.

Virginia's sentencing guidelines. Felony violations of § 18.2-308.1(B) pertaining to the possession of a firearm on school property are covered by the sentencing guidelines. Felony convictions under the other affected sections of the *Code* are not covered by the sentencing guidelines as the primary, or most serious, offense. Such a conviction, however, could augment the guidelines recommendation if the most serious offense at sentencing is covered by the guidelines. No adjustment to the guidelines is necessary under the proposal.

Juvenile direct care. According to the Department of Juvenile Justice, the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) bed space needs cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal's impact on the bed space needs of juvenile detention facilities cannot be determined.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

weapon01_0568